



RECOMMENDATIONS ON WORKPLACE POLICIES & FAMILY MEDICAL LEAVE

**CALIFORNIA WORKING FAMILIES POLICY SUMMIT
JANUARY 24, 2003**

Introduction

These recommendations have been developed with the input of numerous individuals and organizations with expertise on workplace policy and through research on changing workplace policy in the United States and the world. The recommendations in this document can only begin to address the multitude of issues facing California working families. What we clearly know is that the way the workplace functions fails to respond to the way most people live. National data reflects that one in four families is responsible for caring for elderly relatives, but there are few affordable services. Two-thirds of married women with children are in the workforce. Grandparents head more than 5.5 percent of households with minor children. In 2000, 22.1 percent of African American families and 21 percent of Hispanic families lived below the poverty line, compared to 7.5 percent of white families. Approximately 58 percent of the workers who benefited from the last increase in the minimum wage were women.

This limited data is enough to demonstrate that, if we do not address workplace policy for working families, the inequalities that already exist across the social divides of class, gender, race and ethnicity, and disability will become more pronounced. And to address the myriad of issues in a way that can make a difference, a public-private partnership approach is essential.

I. Improve Benefits for Working Families

Background

California's working families benefit from the federal Family and Medical Leave Act which provides up to 12 weeks of unpaid family and medical leave. The California Family Rights Act provides additional benefits that complement FMLA. But the families of workers in many small businesses are excluded from coverage. By lowering the employee threshold, more families could take leave to care for a newborn child, for placement of a child in the employee's family for adoption or foster care, for the serious health condition of the employee's child, parent or spouse, and for the employee's own serious health condition. In like manner, the families of individuals who work seasonally or in part-time jobs are also excluded from family and medical leave coverage. By lowering the number of hours required to qualify for job-protected leave, a greater number of families will receive the protection they so badly need to balance both their work and family responsibilities. State data reflects that many working families also do not take advantage of federal and private benefits for which they may be eligible.

Recommendations

It is recommended that:

- A.** The Legislature and Governor enact legislation to lower the coverage threshold of the California Family Rights Act to employers who have 30 or more employees, rather than 50 or more.
- B.** The Legislature and Governor enact legislation to reduce the number of hours that an employee must work to qualify for family and medical leave benefits provided under the California Family Rights Act from 1,250 hours to 1,000 hours in a 12-month period.
- C.** The Legislature and Governor enact legislation to amend the Family Temporary Disability Insurance Program (paid family leave - SB 1661 (Kuehl), Chapter # 990, Statutes of 2002) to include provisions for managing a chronic illness and to cover time off for bereavement.
- D.** The Legislature and Governor enact AB 17 (Kehoe) which would prohibit a state agency from entering into contracts with companies that do not offer benefits to employees with domestic partners equal to benefits offered to employees with spouses.
- E.** The Legislature and Governor enact legislation to increase the state minimum wage and index it so that it changes in relationship to inflation.
- F.** The Governor direct appropriate state agencies to collaborate on development of a public information campaign targeted to low-income families regarding their possible eligibility for benefits, such as federal Earned Income Tax Credit and Food Stamps, in order to assure working families access these benefits.

II. Elimination of Discrimination in the Workplace

Background

While state and federal legislation addresses discrimination in the workplace, more remains to be done. The make-up of California families is changing, with more single parents and grandparents, among others, responsible for raising children. Discrimination against gays and lesbians results in individuals being unable to obtain leave to care for a seriously ill domestic partner. Undocumented workers, most often members of minority groups, can be victims of unscrupulous employers that pay less than minimum wages. In addition, protection does not exist for employees who are victims of harassment by clients of their employers.

Recommendations

It is recommended that:

- A.** The Legislature and Governor enact legislation expanding the Fair Employment & Housing Act to also prohibit discrimination in employment based on “familial status.”
- B.** The Legislature and Governor enact legislation to expand the California Family Rights Act (CFRA) to include a domestic partner, grandparent, or sibling who has a serious health condition.
- C.** Responsible state agencies, such as the Department of Industrial Relations, provide a culturally competent educational campaign to reach eligible workers with information about their rights under SB 1818 (Romero), Chapter 1071, Statutes of 2002—legislation designed to protect undocumented workers from unscrupulous employers that pay less than minimum wage, refuse to pay for overtime, or fail to comply with other labor laws.
- D.** The Legislature and Governor enact legislation prohibiting pre-dispute arbitration agreements as a condition of employment for employment discrimination matters.

- E. The Legislature and Governor enact legislation that allows immigrants to use a Taxpayer Identification Number to access a driver's license, given that transportation is essential to accessing a job.
- F. The Legislature and Governor enact AB 76 (Corbett) which would amend the Fair Employment and Housing Act (FEHA) to protect employees from harassment by a client or customer.

III. Domestic Violence in the Workplace

Background

Nationally, domestic violence costs employers an estimated \$3-5 billion a year in increased sick leave, reduced productivity, employee turnover, and increased safety measures. It often becomes workplace violence. Studies show that 25-50% of domestic violence victims lose their jobs as a result of abuse. By treating domestic violence as a business issue, creating greater awareness of the rights of victims and providing job protection for them, we can create a workplace that is safer for victims and send a message that responding to domestic violence is sound business.

Recommendations

It is recommended that:

- A. The Legislature and Governor enact legislation prohibiting discrimination in employment based on the actual or perceived status of an individual as a victim of domestic violence.
- B. The Governor and/or the Legislature direct state agencies to adopt a Workplace Domestic Violence Prevention Policy and to provide domestic violence awareness training to all employees, building on existing model programs and policies.
- C. The Employment Development Department take steps to increase public awareness about the availability of unemployment insurance for victims of domestic violence.

IV. Welfare Reform and Work

Background

For low-income families, especially those participating in CalWORKs or in Workforce Investment Act programs, a job that pays a living wage is the only way out of poverty. Possessing the requisite skills is essential to gain the job, and education and training is essential to obtain those skills. CalWORKs students who left community colleges with an Associate's degree increased their median earnings by 85 percent after only one year out of school.

Recommendations

It is recommended that:

- A. The Legislature and Governor enact legislation extending eligibility time limits for a maximum of 12 months for CalWORKs recipients enrolled in approved educational, vocational, or job training programs in certain exceptional circumstances.
- B. State agencies responsible for providing education and training (WIA, CalWORKs, etc.) review the extent to which participants are prepared for employment that leads to self-sufficiency and develop criteria for working with participants on making good career choices.
- C. Local Workforce Investment Boards should be encouraged to use the California Self-Sufficiency Standards to help clients determine career direction and to benchmark client progress toward self-sufficiency when they leave a particular program.

- D.** The Legislature and Governor enact legislation to amend CalWORKs provisions to include special funding for domestic violence identification and intervention services whether or not the CalWORKs participant has requested a formal waiver.

V. Make California a Family Friendly Workplace

Background

Women now make up almost half of the workforce, but the public policies that viewed men as the paid breadwinners and women as the unpaid homemakers/caregivers have not given way to policies that are family-friendly. Workers at all income levels struggle with the issues of child- and elder-care, workplace stress, and lack of time for family needs. There is an expectation that a single parent in poverty can work full-time and care well for children without assistance when care for preschool children can cost more than a state university education.

Recommendations

It is recommended that:

- A.** The State of California establish a Task Force charged with examining workplace policy and practice and developing long range recommendations for establishing the State of California as the most family friendly workplace in the nation. This would be a partnership with membership and funding from both the public and private sectors. Tasks would include, but not be limited to:
1. Reviewing current research on California's changing workplace and workforce and exploring workplace policy models (both public and private industry) from other states and countries, identifying strategies that work.
 2. Examining critical workplace issues and developing recommendation for addressing them; i.e., portability of health insurance and other benefits for contingent workers and others who change employers frequently; on-the-job training to increase the skill levels and pay of entry-level workers; flexible work schedules; shortened work weeks; elimination of discrimination in the workplace, including discrimination in pay and benefits for part-time workers; aligning the school year with the work year.
 3. Developing recommendations on how the state could better communicate to employers and employees their rights and responsibilities in the workplace.
 4. Reexamining California's Unemployment Insurance system to consider implementing an alternative base period and lowering the minimum quarterly earnings requirement.
 5. Exploring the changes in the age of the workforce, with specific attention to better meeting the needs of older workers.
- B.** The Governor and Legislature enact legislation to require that the pursuit of profits by corporations does not occur at the expense of the environment, human rights, public health or safety, the welfare of communities, the security of families, or the dignity of employees.
- C.** The State of California give preference in job development grants to entities that build in family friendly workplace policies.